

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:

CARLOTTA LUVANIA SWINNEY

Debtor(s)

CASE NO. 09-81706

Chapter 13

MOTION FOR RELIEF FROM STAY OR
ADEQUATE PROTECTION

RoundPoint Mortgage Servicing Corp., servicing agent for Self Help Credit Union ("Movant"), moves the Court to enter an order granting it relief from stay, or alternatively, adequate protection in the above captioned case and as grounds therefore respectfully shows:

1. This Court has jurisdiction of this contested matter pursuant to 28 U.S.C. §§1334 and 157(b).

2. On or about September 30, 2009 the Debtor(s) (hereafter, the "Debtor"), filed a petition seeking relief under Chapter 13 of the Bankruptcy Code.

3. On or about March 24, 2006, the Debtor obtained a mortgage loan now held or serviced by Movant in the principal amount of \$66,900.00, a true and correct copy of which is attached hereto as Exhibit A (the "Note").

4. The Note is secured by a deed of trust against the Debtor's real property located at 1240 Berkeley Street, Durham, North Carolina (the "Property") that was recorded in the Durham County, North Carolina registry of deeds office. A true and correct copy of the deed of trust is attached hereto as Exhibit B (the "Deed of Trust").

5. The Debtor is in default under the terms of the Note and Deed of Trust for failure to make payments when due. As of May 5, 2011, Movant's total secured was \$66,377.54 and the Note was past due as follows:

Payments Due 6/1/10 - 9/1/10* @ \$562.67 ea.	\$2,250.68
Payments Due 10/1/10 - 5/1/11* @ \$528.35 ea.	\$4,226.80
Late Charges	\$174.84
NSF Fees - Post-petition	\$25.00
Less Suspense	-\$530.23
Total Due	\$6,147.09

* These are the contractual payments due and not necessarily the months payments were missed. Please see attached payment history for payments made/missed.

6. According to the Debtor's schedules, the value of the Property is \$122,200.00.

7. The loan documents provide for payment of attorney fees for collection of the debt and Movant is entitled to its reasonable attorney fees in this matter.

8. Movant hereby consents to continuation of the automatic stay beyond the period of thirty (30) days from the date of this Motion in the event the Court schedules the hearing beyond that thirty (30) day period.

WHEREFORE, Movant moves the Court for the following relief:

1. Consolidate the preliminary hearing and the final hearing into a final hearing; and

2. Enter an Order granting Movant relief from the automatic stay provisions of 11 U.S.C. §362, for cause under 11 U.S.C. §362(d)(1), so that it can institute foreclosure proceedings on the Property pursuant to the terms of the Note and Deed of Trust; and further providing that the stay of such Order pursuant to Bankruptcy Rule 4001 be waived; and,

3. In the alternative, provide Movant with adequate protection of its interest, pursuant to 11 U.S.C. §361.

DATED: May 9, 2011

/s/ Christine M. Lamb
N.C. State Bar No. 19616
THE LAMB FIRM
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CERTIFICATE OF SERVICE

The undersigned certifies that this day the pleading or paper to which this Certificate is affixed was served upon the person(s) listed below by mailing a copy of the same, properly addressed and postage prepaid via the United States Postal Service.

Carlotta Luvania Swinney
1240 Berkeley Street
Durham, NC 27705

John T. Orcutt
6616-203 Six Forks Rd.
Raleigh, NC 27615

Richard M. Hutson, II, Trustee
PO BOX 3613
Durham, NC 27702

DATED: May 9, 2011

/s/ Christine M. Lamb
N.C. State Bar No. 19616
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